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 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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 as individuals and as trustees for the Bottom Family
 1989 Trust, and The Blue Oak Charitable Fund,
 a California non-profit public benefit corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MARY A BOTTOMS, as individuals and as
 trustees for the Bottoms Family 1989 Trust;
 THE BLUE OAK CHARITABLE FUND, a
 California non-profit public benefit
 corporation,

Plaintiff,

vs.

ATKN COMPANY OF CALIFORNIA, f/k/a
 Guy F. Atkinson Company of California;
 ATKN COMPANY, a Nevada corporation,
 f/k/a/ Guy F. Atkinson Company, and DOES
 1- 100

Defendants.

CASE NO. C 05 03045 EMC

**STIPULATION AND ORDER
 EXTENDING TIME TO ANSWER, AND
 EXTENDING THE CASE SCHEDULE
 AND INITIAL CASE MANAGEMENT
 CONFERENCE** ; ORDER
 [CIV. LOC. R. 6-2]

This action was filed on July 27, 2005. Counsel for the defendants executed a Notice of Waiver of Service on September 2, 2005. The parties stipulated to, and Court granted an extension of time to answer the complaint on October 13, 2005. An answer to the Complaint is currently due on February 21, 2006.

The parties respectfully request that the Court allow an additional, short extension of time for the defendant to answer the complaint. We are requesting an additional 30 days.

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STIPULATION AND ORDER EXTENDING TIME TO
 ANSWER, AND EXTENDING THE CASE SCHEDULE
 AND INITIAL CASE MANAGEMENT CONFERENCE

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The defendants are still in bankruptcy (U.S. Bankr. Ct. No. 97-33694-TC (N.D. Cal.).) Modified relief from the automatic stay was obtained by the plaintiff for the purpose of pursuing this claim to the extent of the defendants' insurance.

This action involves a claim of environmental damage that extends for many years into the past. The plaintiffs submit that the identification of the insurers has been somewhat hampered by the lack of complete records on insurance going back far enough. The defendants have tendered the defense of this claim to those insurers that we have been able to identify. Additional responses to these requests have been received since the parties last requested an extension of time from the Court, but none of the insurance companies have agreed to defend the defendant. We remain in the process of determining whether the insurers who were notified actually insured the defendants and, if so, what their duties under their policies are.

We believe that this situation can be brought to conclusion within 30 days. Accordingly, the plaintiffs and the defendant hereby stipulates to an additional short extension of the time to answer.

We have made one previous request for an extension.

This extension of time has implications for the case management schedule. Accordingly, the parties stipulate that the case management schedule should be adjusted accordingly. By adding 30 days to the dates on the existing case management schedule, the parties respectfully submit that the schedule should be amended as follows:

	<u>Original due date</u>	<u>Previous Order</u>	<u>New Date</u>
Answer	10/24/05	2/21/06	3/21/06
Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	11/16/05	3/16/06	4/17/06 4/17/06

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1 Last day to file Joint ADR Certification
2 With Stipulation to ADR Process of
3 Notice of Need for ADR Phone
Conference

11/16/05 3/16/06

~~4/17/06~~

4/17/06

(Gue)

4 Last day to complete initial disclosures
5 or state objection in Rule 26(f) Report,
6 file/serve Case Management Statement,
and file/serve Rule 26(f) Report

11/30/05 3/30/06

~~5/1/06~~

4/26/06

(Gue)

7 Case Management Conference in
8 Courtroom C, 15th Floor at 1:30 PM

12/7/05 4/5/06

~~5/3/06~~

5/5/06

(Gue)

9 SO STIPULATED:

10 DATED: February 14, 2006

LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

13 By:



Mitchell Chyette
Attorneys for Mary A. Bottoms, as
individuals and as trustees for the Bottom
Family 1989 Trust, and The Blue Oak
Charitable Fund, a California non-profit
public benefit corporation

17 DATED: February 14, 2006

PACHULSKI STANG ZIEHL YOUNG JONES
WEINTRAUB

19 By:



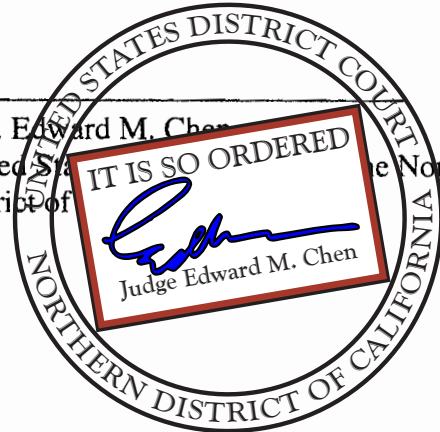
Henry Kevane
Attorneys for ATKN defendants

ORDER

Pursuant to the stipulation set forth above, the case management order and schedule are hereby changed to the dates set forth above.

Dated: February 17, 2006

Hon. Edward M. Chen
United States District Court
Northern District of California



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